THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.22833 OF 2005

Between:-

P.Janga Reddy.

...Petitioner.

And

The District Collector/Election Authority, Medak Ditrict

at Sangareddy & others.

...Respondents.

Date: 24-10-2005.

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents 1 and 2.

Pursuant to the Election Notification issued for conducting elections to the Primary Agtricultural Co-operative Society, Gollapalli, the petitioner filed his nomination for the post of the Director for 7th Ward on 18-10-2005 and his nomination was proposed by one Osman Miya S/o Rasool Sab as first proposer and one Ennu Buchi Reddy S/o Venkat Reddy as second proposer. The second respondent-Election Officer received the said nomination. It appears that the third respondent filed an objection for accepting the nomination of the petitioner and the said objection has been entertained and the nomination of the petitioner has been rejected on the ground that the second proposer Ennu Buchi Reddy is not the correct person and there is no such person by name Ennu Buchi Reddy S/o Venkat Reddy, but there is a person by name Ennu Buchi Reddy S/o Ram Reddy. In fact, the name of the second proposer is Ennu Buchi

Reddy S/o Venkat Reddy and the said Ennu Buchi Reddy alone signed as second proposer in the nomination paper. Therefore on the technical grounds, the nomination of the petitioner ought not to have been rejected.

Rule 22 (5)(c) of the Andhra Pradesh Co-operative Societies Rules, 1964 reads as follows:-

> "…..the nomination of a candidate shall not rejected merely on the ground of an incorrect description of his name or of the name of the proposer or of any other particulars relating to the candidate as entered in the list of members referred to in sub-rule(3) if the identity of the candidate or proposer, as the case may be, is established beyond reasonable doubt".

As per the aforesaid rule, the nomination of the candidate shall not be rejected on the ground that the name of the proposer or seconder entered in the voters list is incorrectly mentioned if his identity is otherwise established beyond reasonable doubt. There is no evidence forthcoming on record to show that Ennu Buchi Reddy is not at all the said person. Merely because the father's name is not tallying or wrongly entered and as long as Ennu Buchi Reddy signed on the nomination as a proposer, the said nomination of the petitioner cannot be rejected and therefore, I am of the opinion that the rejection of the nomination of the petitioner is illegal and contrary to the provisions of Rule 22(5)(c) of the A.P. Co-operative Rules, 1964.

Accordingly, the order of the Election Officer, dated 20-10-2005, rejecting the nomination of the petitioner is set aside. The Election Officer is directed to treat the nomination of the petitioner as valid and permit him to contest for the post of the Director for the 7th ward of Primary Agricultural Co-Operative Society, Gollapalli. It is open for the aggrieved party to question in the Election Petition, if the petitioner is elected for the said post.

The Writ Petition is allowed accordingly at the admission stage.

V.ESWARAIAH, J

Date: 24-10-2005.

Shr.